



Nursing Care Quality Assurance Commission (NCQAC)
January 11, 2008
Business Meeting
310 Israel Rd SE
Tumwater, WA
360-236-4713

Commission Members:

Judith D. Personett, EdD, Certified Nurse
Administrator Advanced (CNAA), RN, Chair
Susan Wong, MBA, MPA, RN, Vice-Chair
Linda Batch, LPN
Erica Benson-Hallock, MPPA, Public Member
Richard Cooley, LPN
William Hagens, MA, Public Member
Rev. Ezra Kinlow, MTH, Public Member
Jackie Rowe, RN
Robert Salas, RN
Diane Sanders, RN, BC, MN
Rhonda Taylor, MSN, RN
Mariann Williams, MPH, MSN, RN, ARNP
Susan Woods, PhD, RN, FAHA, FAAN

Assistant Attorney General:

Gail Yu, Assistant Attorney General

Staff present:

Paula R. Meyer, MSN, RN, Executive Director
Usrah Claar-Rice, MSN, RN, Nursing Education Advisor
Teresa Corrado, LPN, Health Services Consultant
Mary Dale, Discipline Manager
Marc Defreyn, JD, Supervising Staff Attorney
H. Louise Lloyd, Secretary
BJ Noll, MSN, RN, Nursing Practice Advisor
Terry West, Health Services Consultant

1. Dr. Judith D. Personett, Chair, called the meeting to order at 8:30AM

- Introductions – Commission members, staff and audience introduced themselves
- Order of the Agenda – Accepted
- Correspondence
 1. Washington State Nurses Association (WSNA) – Nursing Commission News
DISCUSSION: The WSNA extended appreciation for the Washington Nursing Commission News magazine. The nurses in this state need a publication like this.
 2. Association of Advanced Practice Psychiatric Nurses (AAPPN) – Dr. Personett's presentation

DISCUSSION: The AAPPN expressed appreciation for Dr. Personett's presentation on "What's New with the Nursing Commission."

3. Governor Chris Gregoire: Building a Better Future for Washington Families, Policy Brief

DISCUSSION: The Governor's Brief stated that Washington State has the potential to serve as a national model for high-quality health care. Some of the subjects talked about in the Brief were training for nurses, nurse staffing shortages, investigation of complaints against health care workers and patient safety.

- Announcements - Personnel changes
 1. Shari Kincy has been hired as the Secretary Senior.
 2. BJ Noll is resigning effective the end of February, 2008. Ms. Meyer is interviewing for this position.

2. Consent Agenda – DISCUSSION/ACTION

Items listed under the consent agenda are considered routine agency matters and approved by a single motion of the NCQAC without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- A. Approval of minutes

1. NCQAC business meeting, November 15, 16, 2007
2. NCQAC Disciplinary Hearing minutes
3. Continuing Competency sub-committee
4. Licensing and Discipline sub-committee
5. Nursing Program Approval Panel (NPAP)

DISCUSSION: Changes to November 15, 2007, meeting minutes

Page 5, paragraph 2 change normal to formal

Change Parlett to Parlette

Page 9, change 'besides' fat grafting to 'except' fat grafting

ACTION: Motion to accept the Consent Agenda, with the above changes, passed.

- B. National Council of State Boards of Nursing (NCSBN) Correspondence

DISCUSSION: At the December 2007 meeting, NCSBN voted to raise the passing standard for the NCLEX-PN. The new standard will take effect on April 1, 2008 related to the LPN test plan.

3. Chair Report – Dr. Judith Personett - DISCUSSION/ACTION

- A. Nursing Assistant Rules Hearing – December 14, 2007

The Nursing Assistant Rule changes were adopted on December 14, 2007. For a copy of the rules, please request at 360-236-4700.

- B. Uniform Disciplinary Act (UDA) task force meeting

DISCUSSION: UDA task force met for the final time and disbanded.

ACTION: The UDA, RCW 18.130.180 - The recommended revisions will be submitted to Bonnie King for consideration by the Legislature in the 2009 session.

- C. National Council of State Boards of Nursing (NCSBN) conference call

DISCUSSION: Dr. Personett explained the role of the NCSBN to the audience and announced that the NCSBN will celebrate its 30th anniversary at the Annual Meeting in August, 2008.

4. Executive Director Report – Paula Meyer – DISCUSSION/ACTION

- A. Rules – Kendra Pitzler

1. Licensing and Definitions

DISCUSSION: The hearing is scheduled for February 5, 2008.

2. ARNP

DISCUSSION: ARNP rules are currently open and in the revision process. Mindy Schaffner has conducted rules workshops throughout the state. Kendra Pitzler reported the following:

Draft rules:

- Seek to strengthen the NCQAC role in ARNP program approval as provided for in RCW 18.79.
- Direct NCQAC to approve ARNP programs that are nationally accredited by the appropriate credentialing bodies.
- Continue to require continuing education for ARNPs
- Modify the ARNP designations to include the:
 1. Nurse Practitioner
 2. Certified Nurse Midwife
 3. Certified Registered Nurse Anesthetist, with provisions for specialty designation within the Nurse Practitioner role
 4. Restrict the time allowed between ARNP program completion and the certification requirement from 5 years to 1 year
 5. Continue to provide for an interim licensure

Other issues discussed:

Currently ARNPs are required to maintain national certification. The NCQAC has no access or input into these certification exams which are offered by private organizations

There is national debate about the appropriate place for Certified Nurse Specialists in the ARNP discussions

ACTION: Mr. Hagens and Ms. Williams will meet with Ms. Schaffner to review and comment on the draft rules.

B. Workload Staffing Survey Report

DISCUSSION: Legislation directed the Department of Health to develop a ratio for investigations and legal work. Sterling and Associates, Inc. helped with the survey and the report was completed at the end of August. The report will be submitted to the Office of Financial Management, the Governor's office and the Legislature this year.

C. Performance Audit update

DISCUSSION: The department, according to the Governor, set the bar for how to respond to a performance audit. The audit report, published in August 2007, resulted in 13 findings and 65 recommendations for improvement. By December 31, 2007, HPQA met its target of completing 26 of the 47 tasks that could be done with current resources. Twenty-one more will be completed in 2008.

D. Nurses from Jalisco, Mexico

DISCUSSION: Jalisco would like an agreement stating how their nursing education can be recognized in Washington and how their current nurses can work in Washington. Ms. Meyer will continue to work on this after the legislative session.

5. Washington Center for Nursing (WCN) - Linda Tieman - **DISCUSSION/ACTION**

Ms. Tieman will present an annual report on the items identified in the legislation authorizing a fee surcharge to support the work of the Center for Nursing.

DISCUSSION: Ms Tieman expressed the primary goal of the Washington Center for Nursing is to create a desirable image of nursing to aid in recruitment and retention of nurses.

The WCN collects data to provide more information on the nursing shortage and nursing education challenges. A new graduate study shows there has been an increase in most job classifications. The Department of Health (DOH) also collected data but funding to analyze its findings was not authorized.

Studies include a college approved program for rural areas, nurse retention and minorities, and models of patient care and nursing staffing.

A master plan for nursing education is being developed as part of the legislation for the WCN. The final draft will be presented to the Department of Health.

6. Washington Health Professionals Services (WHPS) – Jean Sullivan and Amanda Capehart - DISCUSSION/ACTION

Ms. Sullivan and Ms. Capehart will present on Manipulative Behaviors that may be exhibited by substance abuse clients.

DISCUSSION: The NCQAC received Information on behaviors demonstrating possible substance abuse. The principle obstacles to recovery are shame, dishonesty, ignorance or personal exceptions. She explained motivation and reasons frequently given. Chemically dependent nurses used to be fired from their jobs and the nursing statute demonstrates a rehabilitative philosophy. Substance abuse is viewed as a treatable disease. The national average of chemically dependent nurses is 10% of all nurses. Random drug testing of nurses could result in civil rights violations and policies with defining requirements for testing are effective.

Ms. Capehart explained the symptoms of addiction and how they relate to nurses. It is easy for NCQAC members to believe respondents about their addictions. Nurses with substance abuse issues need to be held accountable. Be careful not to become drawn into believing a drug dependent person's stories when they try to make their abuse an OK thing.

NCQAC members should remain objective and listen to the facts, not the stories. Protecting the public is the most important goal.

7. Discussion Items - DISCUSSION/ACTION

If items are selected for action and a task force assigned, the group will meet once, complete the charter, and then come to the next meeting for decision to proceed.

A list of current task forces, membership, charges and their progress will be presented for feedback.

A. Public Health Nursing and the Use of Standing Orders

B. Nurse Delegation in Community Based Care Settings – Insulin Injections

DISCUSSION: Senate Bill 6220 proposes nurse delegation of insulin injections to nursing assistants in community based care settings. SB 6220 limits the delegation to certified nursing assistants only. The patient must be stable and predictable. All safety precautions that exist in the current nurse delegation in community care settings would apply, the RN would not delegate if the nursing assistant was not competent in the procedure, specific training would be required, and supervision must be at least weekly for the first month of injections. Reimbursement issues need to be looked at because providers are not always able to bill for services. Continuity of care is important.

Mr. Salas reviewed the Washington Administrative Code (WAC) and found that the education and training are not transferable from one patient to another. All training is specific to one patient.

MOTION: The NCQAC will support nurse delegation of insulin injections by nursing assistants in community based care settings according to established requirements in rules.

8. Nursing Practice Guidelines – Robert Salas, Diana Sanders, Linda Batch, BJ Noll - DISCUSSION/ACTION

The Nursing Practice Guidelines, produced and placed on the NCQAC webpage in December 2005, contain all current advisory opinions, the Scope of Practice Decision Tree, and publications developed by the NCQAC. The NCQAC directed the review of the practice guidelines to determine the currency of the information.

BJ Noll will share data related to scope of practice questions and trends.

DISCUSSION: The following shows the recommendation and decision of Advisory Opinions:

Position Statement or Advisory Opinion	Recommendation	Decision
RNFA Registered Nurse First Assistant at Surgery	Renew or revise	Passed - Extend with a task force
Practice Guidelines for Telehealth/Telenursing for RNs	Renew	Passed
School Asthma Guidelines	Renew	Passed
Transmitted Orders	Renew	Passed
RN Performing Cardiac Catheterization	Rescind	Passed
Requirements for Medical Personnel at Camps	Renew	Passed
LPN Duties	Rescind	Rescind
LPN Pronouncement of Death	Renew	Passed – Task force to consider statement
Medication Organizer Devices	Renew	Passed

9. Operating Agreement: Administrative and Budget review – Paula Meyer - DISCUSSION/ACTION

The Operating Agreement between the NCQAC and the Department of Health (DOH) is reviewed twice a year, at the January and July meetings. The NCQAC receives information on administrative and budget matters.

DISCUSSION: Ms. Meyer explained the agreement between the Department of Health and NCQAC, the organizational chart and the budget. Nursing fees will remain the same and monitored for the need to increase in the next biennium. Legislation this year may impact fees related to criminal background checks.

10. Evaluation of Business Meetings – Paula Meyer - DISCUSSION/ACTION

In the interest of improving the business meetings and providing information to NCQAC members an evaluation will be conducted. The results from an evaluation tool will be presented and discussed. The NCQAC may determine areas for improvement.

DISCUSSION: Ms. Meyer reviewed the results of the surveys submitted. Two of the suggestions were:

- Increase workshops involving Pro Tems to one every four months.
- Personnel paperwork needs updating and sent electronically.

MOTION: An additional workshop will be held March 2009 in Spokane.

MOTION: Public members will meet with Paula Meyer to develop an orientation program for public members.

11. Lap Top Computers for NCQAC Members – Paula Meyer - DISCUSSION/ACTION

Update on process, security procedures, Phase I through III. A baseline evaluation of the NCQAC members will be completed. Once the lap tops are issued, a follow-up evaluation will be conducted to gather information on the pilot project.

DISCUSSION: There are 600 commission and board members and the Information Technology Office (IT) is concerned about the technical support that will be required to handle the increased support needs.

- Phase 1 - Ready to issue lap tops – may occur before the March meeting with a base line survey to evaluate the project.
- Phase 2 – scanning confidential material – how to encrypt so only NCQAC has access.
- Phase 3 – secured WEB site

12. Effective Final Orders – Susan Pierini - DISCUSSION/ACTION

Ms. Pierini is the lead prosecuting attorney from the Attorney General's Office for the NCQAC. Ms. Pierini will present language to improve final orders and compliance.

DISCUSSION: There will be two more presentations, in March and May. NCQAC's job is to draft an order that reflects findings and conclusions of the hearing. The purpose of discipline is to deter, punish, and rehabilitate. This is the frame work in which orders are drafted.

Statute RCW 18.131.160 gives NCQAC authority to impose sanctions. Sanctions should be clear. A final order is a legally binding document that gives both parties rights and responsibilities. The document must be clear enough so that the respondent can read it and know what to do. Probation alone is not a sanction – it must include conditions and a period of time.

Suspension or revocation puts the respondent out of practice and NCQAC decides when reinstatement can be requested. If NCQAC doesn't want to reinstate they must show why.

ACTION: Susan Wong, Rick Cooley, and Mariann Williams will work with Mark Defreyn and present in March.

ACTION: Legal Services Unit will ensure that the NCQAC gets the Pre-hearing Memorandum.

13. Nursing Commission News – Terry West - DISCUSSION/ACTION

Ms. West will present the timeline for the July 2008 issue, article assignments, and review feedback from the 2007 survey.

Kendra Pitzler presented for Terry West.

DISCUSSION: The response to the newsletter is positive. Two of the most helpful articles are disciplinary actions regarding the nursing shortage and licensing statistics.

The deadline for articles for the next newsletter is March 19, 2008. The theme will be education and the cover will show a nursing student. The topics will be:

- Immunization for Health Care Professionals – Ms. Selecky
- ARNP issues and updates - Ms. Williams
- Continuing Competency update - Ms. Noll
- STDs - Ms. Selecky
- Levels of evidence required if you have to participate in a hearing - Marc Defreyn

- How do Nurses get into WHPS - Jean Sullivan
- Summary of complaint - Judith Personett
- Role of the Public Member and how to become a member – Bill Hagens, Ezra Kinlow, Erica Benson-Hallock

14. Legislative Task Force – Paula Meyer - DISCUSSION/ACTION

The legislative task force reviews and comments on proposed bills that may affect nursing and nursing regulation. The task force members will report on issues that may be proposed in the 2008 session.

DISCUSSION: On 1/8/08, Marty Brown, the Director of Governor's legislative affairs, participated in the meet me conference calls with all board and commission chairs. A CD of the call is available if anyone is interested.

HB1103 did not pass in the 2007 legislative session and may be introduced again. Ms. Williams stated that there are a few places where the authority is moved from NCQAC and given to the Secretary of Health. The effectiveness of NCQAC has been proven and has received national Best Practices recognition. NCQAC has some of the shortest timelines on disciplinary cases. No one knows the nursing business like nurses. Nurses know the language and understand the culture which is seen as fair by the respondents.

In this country we have a right to trial by jury of our peers. If the authority does not come from NCQAC but instead comes from the Secretary then how can the judgement be by peers?

MOTION: A section by section synopsis of the 2007 bill was completed. The NCQAC took a position on each section of the bill. The entire document was adopted by the NCQAC. The document is available upon request.

ACTION: Mr. Hagens will attend the Tuesday morning 'meet me' legislative call if Dr. Personett is unable to attend.

15. Nominations Committee – Dr. Personett - DISCUSSION/ACTION

The members of the Nominations Committee are appointed during the annual January meeting. The committee recruits nominees for the chair and vice chair positions. The slate of candidates is presented at the March meeting, the election occurs at the May meeting, and the new chair and vice chair take their positions at the July meeting.

ACTION: The nominations committee will be Ms. Benson-Hallock, Ms. Rowe and Dr. Woods.

16. Roles in the Disciplinary Process – Jackie Rowe and Susan Wong - DISCUSSION/ACTION

A DVD was produced and will be viewed by the NCQAC. The content of the DVD explains the roles and responsibilities of commission/board members, staff attorneys and assistant attorneys general in the disciplinary process. The DVD will be used for training of new commission/board members, staff attorneys and assistant attorneys general.

The DVD was shown to NCQAC during the lunch break.

17. 11:30AM - Executive Session if needed

The Executive Session is that part of a regular or special meeting closed to the public.

No executive session was held.

LUNCH

18. 1:00PM – OPEN MIKE

Open mike is for public presentation of issues to the NCQAC. If the public has issues regarding disciplinary cases, please call: 360-236-4713.

DISCUSSION: CJ Welter spoke on the level of knowledge and independent judgement required for a Registered Nurse First Assistant.

Joan Garner:

- RCW 18.79.070 3a 2. Times for RN and LPN need changed
- Ms. Garner would like to see the directive stating where meetings are to be held.
- Sometimes the terms used mean different things to different people.

19. 1:30 PM – Nursing Staffing Research – Dr. David Keepnews - DISCUSSION/ACTION

Recent research has been compiled by Dr. Keepnews related to nursing staffing levels. Dr. Keepnews will present current research related to staffing and patient safety.

DISCUSSION: Dr. Keepnews explained the data regarding nursing shortages and the impact it has on patient outcomes. Data was retrieved in different ways and showed that staffing does make a difference in patient outcome and that quality is tied to costs.

Other studies have looked at related factors of staffing shortages and there is a growing volume of research which has generated an understanding and where efforts can be improved.

20. Subcommittee reports – DISCUSSION/ACTION

A. Continuing Competency - Cheryl Payseno, Chair

No report at this meeting.

B. Licensing and Discipline – Jackie Rowe, Chair

I. Delegation of Mandatory Summaries

ii. Delegation of Case Management Team to Staff

DISCUSSION:

HB 2974 passed in the 2006 legislative session and was codified as RCW 18.130.370. If the licensee or applicant nurse is prohibited from practicing a health care profession in another state because of professional misconduct, the Washington license is summarily suspended (or denied) if the misconduct was equivalent to violations under Washington's Uniform Disciplinary Act. NCQAC would like to delegate the ability to summarily suspend the license to the Health Law Judge. The final decision regarding disposition of the license will remain with the NCQAC."

MOTION: NCQAC will delegate the summary suspension to the Health Law Judge.

Case management – Nurses should monitor nurses. A nurse is needed on the case management team to answer questions. Therefore, the NCQAC is not interested in delegating the case management decisions to staff. Three NCQAC members will continue to participate in the weekly case management meetings.

21. Date of March NCQAC meeting– DISCUSSION/ACTION

A request to change the March meeting from the 14th to the 7th was proposed.

MOTION: A motion was made and passed to move the March 14th meeting to March 7th.

The meeting was adjourned at 4:00pm.